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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 KEVIN STERN,  
15 Defendant.

CASE NO. 2:21-CR-00021-JAM  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER  
DATE: August 23, 2022  
TIME: 9:30 a.m.  
COURT: Hon. John A. Mendez

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17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status on August 23, 2022.  
21 2. By this stipulation, defendant now moves to continue the status conference until  
22 November 8, 2022, at 9:30 a.m., and to exclude time between August 23, 2022, and November 8, 2022,  
23 under Local Code T4.

24 3. The parties agree and stipulate, and request that the Court find the following:  
25 a) The government has represented that the discovery associated with this case  
26 includes investigative reports, photographs, affidavits, other documents, recorded phone calls  
27 intercepted pursuant to the Title III wiretap orders, and other recordings. Much of this discovery  
28 has been produced directly to counsel and/or made available for inspection and copying. The

1 government has represented that additional discovery is forthcoming.

2 b) Counsel for defendant needs additional time to review the discovery in this case,  
3 to conduct independent factual investigation, to research trial and sentencing issues, to consult  
4 with the client, and to otherwise prepare for trial.

5 c) Counsel for defendant believes that failure to grant the above-requested  
6 continuance would deny him the reasonable time necessary for effective preparation, taking into  
7 account the exercise of due diligence.

8 d) The government does not object to the continuance.

9 e) Based on the above-stated findings, the ends of justice served by continuing the  
10 case as requested outweigh the interest of the public and the defendant in a trial within the  
11 original date prescribed by the Speedy Trial Act.

12 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
13 et seq., within which trial must commence, the time period of August 23, 2022 to November 8,  
14 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
15 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
16 of the Court's finding that the ends of justice served by taking such action outweigh the best  
17 interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: August 15, 2022

**PHILLIP A. TALBERT**  
United States Attorney

Dated: August 15, 2022

/s/ OLAF W. HEDBERG  
OLAF W. HEDBERG  
Counsel for Defendant  
KEVIN STERN

## ORDER

IT IS SO FOUND AND ORDERED this 16<sup>th</sup> day of August, 2022.

/s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
SENIOR UNITED STATES DISTRICT JUDGE